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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,280	03/07/2000	Stephan Voges	EFIM0252	9230
31408	7590	08/10/2005	EXAMINER	
LAW OFFICE OF JAMES TROSINO 92 NATOMA STREET, SUITE 211 SAN FRANCISCO, CA 94105			KISS, ERIC B	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/521,280

**Applicant(s)**

VOGES ET AL.

**Examiner**

Eric B. Kiss

**Art Unit**

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 July 2005 has been entered.

Claims 1, 5, and 57 are pending.

### *Response to Arguments*

2. Applicant's arguments filed 20 July 2005 have been fully considered but they are not persuasive.

a. As acknowledged by Applicant, *Steinmetz, Jr.*'s dispatch module 105 *bridges the executing test script 103 and simulation environment 101 by forking off the test script and the simulation environment as child processes that run independently of the dispatch means, which is the parent process* (see Applicant's arguments, p. 4, second paragraph, citing cols. 3 and 5 of *Steinmetz, Jr.*).

Applicant further acknowledges that the dispatch module is a single executable program (see Applicant's arguments on p. 4, in paragraph 2, citing col. 3 of *Steinmetz, Jr.*)

Clearly, the dispatch module provides a single executable program that partitions functionality of the test bench between a simulation engine (simulation environment) and one or more scripted routines (test script).

b. Applicant's repeated suggestion that *Steinmetz, Jr.*, "in fact, distinctly points away from the claimed invention," continues to be wholly unpersuasive.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,600,579 to Steinmetz, Jr.

As per claim 1, *Steinmetz, Jr.* discloses a single executable program (for example, dispatch module 105; see, for example, col. 3, lines 26-29 and col. 5, lines 47-51) that partitions functionality of a test bench (hardware design verification system) between a simulation engine (simulator means) and one or more scripted routines (test script), wherein each scripted routing implements a corresponding function (scripting means; see column 3, lines 3-19 and Fig. 1); instantiating one or more interpreters in the simulation engine, wherein each interpreter is associated with a corresponding scripted routine and may interact with the simulation engine independently of any other interpreter (see column 8, line 13 through column 9, line 22); causing the simulation engine to pass control to the corresponding interpreter upon encountering one of

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the functions (see, for example, column 22, lines 47-60; and column 12, lines 8-53); and causing the corresponding interpreter to return control to the simulation engine upon encountering a task that is performed by the simulation engine (see, for example, column 11, line 52 through column 12, line 4; and column 20, lines 28-40).

As per claim 5, *Steinmetz, Jr.* further discloses synchronizing the simulation and interpreter using a semaphore (acknowledgement command word; see column 23, lines 30-39).

As per claim 57, *Steinmetz, Jr.* further discloses directly sharing variables between the simulation engine and the one or more scripted routines (see, for example, the format of socket packets described in col. 9, line 25, through col. 12, line 4).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

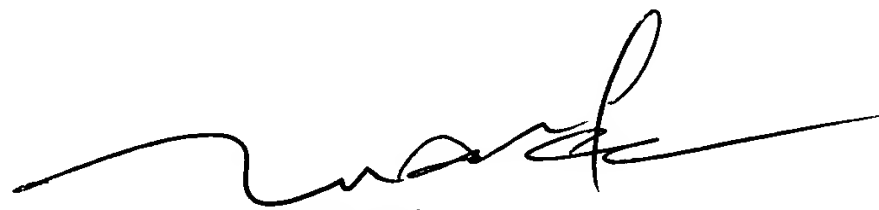
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:  
571-272-2100.

EBK / *EBK*  
August 3, 2005



TUAN DAM  
SUPERVISORY PATENT EXAMINER